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CPA/GA 3739  
#00/CPA

PTO/SB/29 (12/97)

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CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
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Address to:

Commissioner for Patents  
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|                        |              |
|------------------------|--------------|
| Attorney Docket No.    | 13724-787    |
| First Named Inventor   | Gough et al. |
| Express Mail Label No. | EL682480568  |
| Total Pages            | 8            |

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08/963,239,  
filed on November 3, 1997, entitled Multiple Antenna Ablation Apparatus and Method

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....  
.....  
.....  
.....
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed.
  - a.  PTO-1449
  - b.  Copies of IDS Citations

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, DC 20231.

| CLAIMS | (1) FOR  | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE   | (5) CALCULATIONS |
|--------|--|------------------|------------------|--|------------------|
|        | TOTAL CLAIMS<br>(37 CFR 1.16(c))                           | 46-20 =          | 26               | $\times \$18.00 =$   | \$ 468.00        |
|        | INDEPENDENT CLAIMS (37 CFR 1.16(b))                        | 4-3 =            | 1                | $\times \$78.00 =$   | 78.00            |
|        | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) |                  |                  | $\times \$260.00 =$  | 0.00             |
|        |  |                  |                  | BASIC FEE<br>(37 CFR 1.16(a))  | 690.00           |
|        |  |                  |                  | Total of above Calculations =  | 1236.00          |
|        |  |                  |                  | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). | (-618.00)        |
|        |  |                  |                  | TOTAL =  | 618.00           |

6. Small entity status:

- a.  A small entity statement is enclosed.
- b.  A small entity statement was filed in the prior nonprovisional applications and such status is still proper and desired.
- c.  Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 23 - 2415:

- a.  Fees required under 37 CFR 1.16.
- b.  Fees required under 37 CFR 1.17.
- c.  Fees required under 37 CFR 1.18.

8.  A check in the amount of \$\_\_\_\_ is enclosed.

9.  Other: \_\_\_\_\_

**NOTE:** *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

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|---|--|-----------|---|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label |  | 021971    | or <input type="checkbox"/> New correspondence address below<br>(Insert Customer No. or Attach bar code label here) |
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11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|           |                            |
|-----------|----------------------------|
| NAME      | Paul Davis, Reg. No 29,294 |
| SIGNATURE | <i>[Signature]</i>         |
| DATE      | September 1, 2000          |

#21/F

Practitioner's Docket No. 13724-787



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of: Gough, et al. )  
 Serial No.: 08/963,239 ) Group No.: 3739  
 Filed: 11/03/1997 ) Examiner: Peffley, M.  
 For: Multiple Antenna Ablation Apparatus )  
 and Method )

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Commissioner for Patents  
 Washington, D.C. 20231

PRELIMINARY AMENDMENT

Responsive to the Final Office Action mailed 06/01/2000, please consider the following amendments and remarks.

In the Specification:

On page 5, after line 26, please delete "rigid".

In the Claims:

Please amend the claims as follows:

*Sub 61*  
 (Twice Amended) An ablation treatment apparatus, comprising:  
 a trocar including a tissue piercing distal end, and a hollow lumen extending along a longitudinal axis of the trocar;  
 a multiple antenna ablation device configured to be coupled to an electromagnetic energy source, the multiple antenna ablation device including three or more antennas positionable in the lumen and deployable from the trocar lumen with curvature in a lateral direction relative to the longitudinal axis at a selected tissue mass, each of a deployed antenna having an electromagnetic energy delivery surface size sufficient to create a volumetric ablation between the deployed antennas without impeding out a deployed antenna when 5 to 200 watts of electromagnetic energy is delivered from the electromagnetic energy source to the multiple antenna ablation device;

a movable insulation sleeve disposed over at least a portion of one of an antenna or the trocar, the insulation sleeve configured to vary a length of an energy delivery surface;

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